



General Assembly

**Amendment**

January Session, 2007

LCO No. 9060

\*HB0672309060HDO\*

Offered by:

REP. AMANN, 118<sup>th</sup> Dist.

REP. MCMAHON, 15<sup>th</sup> Dist.

SEN. MEYER, 12<sup>th</sup> Dist.

SEN. SLOSSBERG, 14<sup>th</sup> Dist.

To: House Bill No. 6723

File No. 365

Cal. No. 308

**"AN ACT CONCERNING THE PREVENTION OF CHILDHOOD LEAD  
POISONING."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 19a-111a of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective October 1, 2007*):

5 (a) The [Commissioner] Department of Public Health shall be the  
6 lead state agency for lead poisoning prevention in this state. The  
7 Commissioner of Public Health shall (1) identify the state and local  
8 agencies in this state with responsibilities related to lead poisoning  
9 prevention, and (2) schedule a meeting of such state agencies and  
10 representative local agencies at least once annually in order to  
11 coordinate lead poisoning prevention efforts in this state.

12 (b) The commissioner shall establish a lead poisoning prevention

13 program [. Such program shall] to provide screening, diagnosis,  
14 consultation, inspection and treatment services, including, but not  
15 limited to, the prevention and elimination of lead poisoning through  
16 research, abatement, education and epidemiological and clinical  
17 activities. Such program shall include, but need not be limited to, the  
18 screening services provided pursuant to section 2 of this act.

19 [(b)] (c) Within available appropriations, the [Commissioner of  
20 Public Health] commissioner may contract with individuals, groups or  
21 agencies for the provision of necessary services and enter into  
22 assistance agreements with municipalities, cities, boroughs or district  
23 departments of health or special service districts for the development  
24 and implementation of comprehensive lead poisoning prevention  
25 programs consistent with the provisions of sections 19a-110 to 19a-  
26 111c, inclusive.

27 Sec. 2. (NEW) (*Effective April 1, 2008*) (a) Each primary care provider  
28 giving pediatric care in this state, excluding a hospital emergency  
29 department and its staff: (1) Shall conduct lead screening at least  
30 annually for each child nine to thirty-five months of age, inclusive, in  
31 accordance with the Childhood Lead Poisoning Prevention Screening  
32 Advisory Committee Recommendations for Childhood Lead Screening  
33 in Connecticut; (2) shall conduct lead screening for any child thirty-six  
34 to seventy-two months of age, inclusive, who has not been previously  
35 screened or for any child under seventy-two months of age, if clinically  
36 indicated as determined by the primary care provider in accordance  
37 with the Childhood Lead Poisoning Prevention Screening Advisory  
38 Committee Recommendations for Childhood Lead Screening in  
39 Connecticut; (3) shall conduct a medical risk assessment at least  
40 annually for each child thirty-six to seventy-one months of age,  
41 inclusive, in accordance with the Childhood Lead Poisoning  
42 Prevention Screening Advisory Committee Recommendations for  
43 Childhood Lead Screening in Connecticut; (4) may conduct a medical  
44 risk assessment at any time for any child thirty-six months of age or  
45 younger who is determined by the primary care provider to be in need  
46 of such risk assessment in accordance with the Childhood Lead

47 Poisoning Prevention Screening Advisory Committee  
48 Recommendations for Childhood Lead Screening in Connecticut.

49 (b) The requirements of this section do not apply to any child whose  
50 parents or guardians object to blood testing as being in conflict with  
51 their religious tenets and practice.

52 Sec. 3. Subsection (a) of section 19a-110 of the general statutes is  
53 repealed and the following is substituted in lieu thereof (*Effective*  
54 *October 1, 2007*):

55 (a) [Each institution licensed under the provisions of sections 19a-  
56 490 to 19a-503, inclusive, and each private clinical laboratory licensed  
57 under section 19a-30 shall, within] Not later than forty-eight hours [of  
58 receipt of knowledge thereof,] after receiving or completing a report of  
59 a person found to have a level of lead in the blood equal to or greater  
60 than ten micrograms per deciliter of blood or any other abnormal body  
61 burden of lead, each institution licensed under sections 19a-490 to 19a-  
62 503, inclusive, as amended, and each clinical laboratory licensed under  
63 section 19a-30 shall report to (1) the Commissioner of Public Health,  
64 and to the director of health of the town, city or borough in which the  
65 person resides: [(1)] (A) The name, full residence address, date of birth,  
66 gender, race and ethnicity of each person found to have a level of lead  
67 in the blood equal to or greater than ten micrograms per deciliter of  
68 blood or any other abnormal body burden of lead; [(2)] (B) the name,  
69 address and telephone number of the health care provider who  
70 ordered the test; [(3)] (C) the sample collection date, analysis date, type  
71 and blood lead analysis result; and [(4)] (D) such other information as  
72 the commissioner may require, and (2) the health care provider who  
73 ordered the test, the results of the test. With respect to a child under  
74 three years of age, not later than seventy-two hours after the provider  
75 receives such results, the provider shall make reasonable efforts to  
76 notify the parent or guardian of the child of the blood lead analysis  
77 results. Any institution or laboratory making an accurate report in  
78 good faith shall not be liable for the act of disclosing said report to the  
79 commissioner or to the director of health. The commissioner, after

80 consultation with the Chief Information Officer of the Department of  
81 Information Technology, shall determine the method and format of  
82 transmission of data contained in said report.

83 Sec. 4. Subsection (d) of section 19a-110 of the general statutes is  
84 repealed and the following is substituted in lieu thereof (*Effective April*  
85 *1, 2008*):

86 (d) The director of health of the town, city or borough shall provide  
87 or cause to be provided, to the parent or guardian of a child reported,  
88 pursuant to subsection (a) of this section, with information describing  
89 the dangers of lead poisoning, precautions to reduce the risk of lead  
90 poisoning, information about potential eligibility for services for  
91 children from birth to three years of age pursuant to sections 17a-248  
92 to 17a-248g, inclusive, and laws and regulations concerning lead  
93 abatement. Said information shall be developed by the Department of  
94 Public Health and provided to each local and district director of health.  
95 With respect to the child reported, the director shall conduct an on-site  
96 inspection to identify the source of the lead causing a confirmed  
97 venous blood lead level equal to or greater than fifteen micrograms per  
98 deciliter but less than twenty micrograms per deciliter in two tests  
99 taken at least three months apart and order remediation of such  
100 sources by the appropriate persons responsible for the conditions at  
101 such source. On and after January 1, 2012, if one per cent or more of  
102 children in this state under the age of six report blood lead levels equal  
103 to or greater than ten micrograms per deciliter, the director shall  
104 conduct such on-site inspection and order such remediation for any  
105 child having a confirmed venous blood lead level equal to or greater  
106 than ten micrograms per deciliter in two tests taken at least three  
107 months apart.

108 Sec. 5. (NEW) (*Effective April 1, 2008*) Each individual health  
109 insurance policy providing coverage of the type specified in  
110 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general  
111 statutes delivered, issued for delivery, amended, renewed or  
112 continued in this state on or after April 1, 2008, shall provide coverage

113 for blood lead screening and risk assessments ordered by a primary  
114 care provider pursuant to section 2 of this act.

115 Sec. 6. Subsection (b) of section 38a-535 of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective April*  
117 *1, 2008*):

118 (b) [Every] Each group health insurance policy providing coverage  
119 of the type specified in subdivisions (1), (2), (4), (6), (11) and (12) of  
120 section 38a-469 delivered, issued for delivery or renewed on or after  
121 October 1, 1989, or continued as defined in section 38a-531, on or after  
122 October 1, 1990, shall provide benefits for preventive pediatric care for  
123 any child covered by the policy or contract at approximately the  
124 following age intervals: Every two months from birth to six months of  
125 age, every three months from nine to eighteen months of age and  
126 annually from two through six years of age. Any such policy may  
127 provide that services rendered during a periodic review shall be  
128 covered to the extent that such services are provided by or under the  
129 supervision of a single physician during the course of one visit. On and  
130 after April 1, 2008, each such policy shall also provide coverage for  
131 blood lead screening and risk assessments ordered by a primary care  
132 provider pursuant to section 2 of this act. Such benefits shall be subject  
133 to any policy provisions which apply to other services covered by such  
134 policy.

135 Sec. 7. (NEW) (*Effective July 1, 2007*) (a) There is established a lead  
136 safe account, which shall be a separate, nonlapsing account within the  
137 General Fund. The account may contain any moneys required by law  
138 to be deposited in the account. The account shall be used by the  
139 Department of Social Services for the purpose of providing financial  
140 assistance and loans for the remediation or removal of lead from  
141 residential real property.

142 (b) The Department of Social Services shall establish and administer  
143 a program of financial assistance and loans to property owners for the  
144 remediation or removal of lead from residential real property.

145 Sec. 8. (NEW) (*Effective October 1, 2007*) Not later than January 1,  
146 2008, the Commissioner of Public Health shall review the data  
147 collected by the Department of Public Health regarding lead poisoning  
148 to determine if the data is recorded in a format that is compatible with  
149 the information reported by institutions and laboratories pursuant to  
150 section 19a-110 of the general statutes, as amended by this act. If the  
151 commissioner finds that such data should be reported in a different  
152 manner, the commissioner shall adopt regulations, in accordance with  
153 chapter 54 of the general statutes, to establish the manner for reporting  
154 such data.

155 Sec. 9. Section 19a-111c of the general statutes is repealed and the  
156 following is substituted in lieu thereof (*Effective October 1, 2007*):

157 (a) The owner of any dwelling in which the paint, plaster or other  
158 [materials] material is found to contain toxic levels of lead and in  
159 which children under the age of six reside, shall abate, remediate or  
160 manage such dangerous materials consistent with regulations adopted  
161 pursuant to this section. The Commissioner of Public Health shall  
162 adopt regulations, in accordance with [the provisions of] chapter 54,  
163 [establishing removal and] to establish requirements and procedures  
164 for testing, remediation, abatement [requirements and procedures for]  
165 and management of materials containing toxic levels of lead. For the  
166 purposes of this section, "remediation" means the use of interim  
167 controls, including, but not limited to, paint stabilization, spot point  
168 repair, dust control, specialized cleaning and covering of soil with  
169 mulch.

170 (b) The commissioner shall authorize the use of any liquid,  
171 cementitious or flexible lead encapsulant product which complies with  
172 an appropriate standard for such products developed by the American  
173 Society for Testing and Materials or similar testing organization  
174 acceptable to the commissioner for the abatement [of toxic levels of  
175 lead, unless the commissioner disapproves the use of any such  
176 product] and remediation of lead hazards. The commissioner shall  
177 maintain a list of all such approved lead encapsulant products that

178 may be used in this state for the abatement [of toxic levels of lead] and  
179 remediation of lead hazards.

180 (c) (1) The Commissioner of Public Health may adopt regulations, in  
181 accordance with chapter 54, to regulate paint removal from the exterior  
182 of any building or structure where the paint removal project may  
183 present a health hazard to neighboring premises. The regulations may  
184 establish: (A) Definitions, (B) applicability and exemption criteria, (C)  
185 procedures for submission of notifications, (D) appropriate work  
186 practices, and (E) penalties for noncompliance.

187 (2) The Commissioner of Public Health may adopt regulations, in  
188 accordance with chapter 54, to regulate the standards and procedures  
189 for testing, remediation, as defined in this section, abatement and  
190 management of materials containing toxic levels of lead in any  
191 premises.

192 Sec. 10. Section 19a-206 of the general statutes is repealed and the  
193 following is substituted in lieu thereof (*Effective October 1, 2007*):

194 (a) Town, city and borough directors of health or their authorized  
195 agents shall, within their respective jurisdictions, examine all  
196 nuisances and sources of filth injurious to the public health, cause such  
197 nuisances to be abated or remediated and cause to be removed all filth  
198 which in their judgment may endanger the health of the inhabitants.  
199 Any owner or occupant of any property who maintains such property,  
200 whether real or personal, or any part thereof, in a manner which  
201 violates the provisions of the Public Health Code enacted pursuant to  
202 the authority of sections 19a-36 and 19a-37 shall be deemed to be  
203 maintaining a nuisance or source of filth injurious to the public health.  
204 Any local director of health or his authorized agent or a sanitarian  
205 authorized by such director may enter all places within his jurisdiction  
206 where there is just cause to suspect any nuisance or source of filth  
207 exists, and abate or remediate or cause to be abated or remediated such  
208 nuisance and remove or cause to be removed such filth.

209 (b) When any such nuisance or source of filth is found on private

210 property, such director of health shall order the owner or occupant of  
211 such property, or both, to remove, [or] abate or remediate the same  
212 within such time as the director directs. If such order is not complied  
213 with [,] within the time fixed by such director: (1) Such director, or any  
214 official of such town, city or borough authorized to institute actions on  
215 behalf of such town, city or borough, may institute and maintain a civil  
216 action for injunctive relief in any court of competent jurisdiction to  
217 require the abatement or remediation of such nuisance, the removal of  
218 such filth and the restraining and prohibiting of acts which caused  
219 such nuisance or filth, and such court shall have power to grant such  
220 injunctive relief upon notice and hearing; (2) (A) the owner or  
221 occupant of such property, or both, shall be subject to a civil penalty of  
222 two hundred fifty dollars per day for each day such nuisance is  
223 maintained or such filth is allowed to remain after the time fixed by  
224 the director in his order has expired, except that the owner or occupant  
225 of such property or any part thereof on which a public eating place is  
226 conducted shall not be subject to the provisions of this subdivision, but  
227 shall be subject to the provisions of subdivision (3) [. Such] of this  
228 subsection, and (B) such civil penalty may be collected in a civil  
229 proceeding by the director of health or any official of such town, city or  
230 borough authorized to institute civil actions and shall be payable to the  
231 treasurer of such city, town or borough; [,] and (3) the owner or  
232 occupant of such property, or both, shall be subject to the provisions of  
233 sections 19a-36, 19a-220 and 19a-230.

234 (c) If the director institutes an action for injunctive relief seeking the  
235 abatement or remediation of a nuisance or the removal of filth, the  
236 maintenance of which is of so serious a nature as to constitute an  
237 immediate hazard to the health of persons other than the persons  
238 maintaining such nuisance or filth, he may, upon a verified complaint  
239 stating the facts which show such immediate hazard, apply for an ex  
240 parte injunction requiring the abatement or remediation of such  
241 nuisance or the removal of such filth and restraining and prohibiting  
242 the acts which caused such nuisance or filth to occur, and for a hearing  
243 on an order to show cause why such ex parte injunction should not be



244 continued pending final determination on the merits of such action. If  
245 the court finds that an immediate hazard to the health of persons other  
246 than those persons maintaining such nuisance or source of filth exists,  
247 such ex parte injunction shall be issued, provided a hearing on its  
248 continuance pending final judgment is ordered held within seven days  
249 thereafter and provided further that any persons so enjoined may  
250 make a written request to the court or judge issuing such injunction for  
251 a hearing to vacate such injunction, in which event such hearing shall  
252 be held within three days after such request is filed.

253 (d) In each town, except in a town having a city or borough within  
254 its limits, the town director of health shall have and exercise all the  
255 power for preserving the public health and preventing the spread of  
256 diseases; and, in any town within which there exists a city or borough,  
257 the limits of which are not coterminous with the limits of such town,  
258 such town director of health shall exercise the powers and duties of his  
259 office only in such part of such town as is outside the limits of such city  
260 or borough, except that when such city or borough has not appointed a  
261 director of health, the town director of health shall, for the purposes of  
262 this section, exercise the powers and duties of his office throughout the  
263 town, including such city or borough, until such city or borough  
264 appoints a director of health.

265 (e) When such nuisance is abated or remediated or the source of  
266 filth is removed from private property, such abatement, [or]  
267 remediation or removal shall be at the expense of the owner or, where  
268 applicable, the occupant of such property, or both, and damages and  
269 costs for such abatement, remediation or removal may be recovered  
270 against [them] the owner or, where applicable, the occupant, or both,  
271 by the town, city or borough in a civil action as provided in subsection  
272 (b) of this section or in a separate civil action brought by the director of  
273 health or any official of such city, town or borough authorized to  
274 institute civil actions.

275 Sec. 11. Section 47a-52 of the general statutes is repealed and the  
276 following is substituted in lieu thereof (*Effective October 1, 2007*):

277 (a) As used in this section, "rented dwelling" means any structure or  
278 portion thereof which is rented, leased, or hired out to be occupied as  
279 the home or residence of one or two families and any mobile  
280 manufactured home in a mobile manufactured home park which,  
281 although owned by its resident, sits upon a space or lot which is  
282 rented, leased or hired out, but shall not include a tenement house as  
283 defined in section 19a-355 or in section 47a-1.

284 (b) "Department of health" means the health authority of each city,  
285 borough or town, by whatever name such health authority may be  
286 known.

287 (c) When any defect in the plumbing, sewerage, water supply,  
288 drainage, lighting, ventilation, or sanitary condition of a rented  
289 dwelling, or of the premises on which it is situated, in the opinion of  
290 the department of health of the municipality [wherein] where such  
291 dwelling is located, constitutes a danger to life or health, the  
292 department may order the responsible party to correct the same in  
293 such manner as it specifies. If the order is not complied with within the  
294 time limit set by the department, the person in charge of the  
295 department may institute a civil action for injunctive relief, in  
296 accordance with chapter 916, to require the abatement of such danger.

297 (d) Paint on the exposed surfaces of the interior of a rented dwelling  
298 shall not be cracked, chipped, blistered, flaking, loose or peeling so as  
299 to constitute a health hazard. Testing, remediation, abatement and  
300 management of lead-based paint at a rented dwelling or its premises  
301 shall be as defined in, and in accordance with, the regulations, if any,  
302 adopted pursuant to section 19a-111c, as amended by this act.

303 [(d)] (e) When the department of health certifies that any such  
304 rented dwelling or premises are unfit for human habitation, by reason  
305 of defects which may cause sickness or endanger the health of the  
306 occupants, the department may issue an order requiring the rented  
307 dwelling, premises or any portion thereof to be vacated within not less  
308 than twenty-four hours or more than ten days.

309       ~~[(e)]~~ (f) Any person who violates or assists in violating, or fails to  
310       comply with, any provision of this section or any legal order of a  
311       department of health made under any such provision shall be fined  
312       not more than two hundred dollars or imprisoned not more than sixty  
313       days or both.

314       ~~[(f)]~~ (g) Any person aggrieved by an order issued under this section  
315       may appeal, pursuant to section 19a-229, to the Commissioner of  
316       Public Health.

317       Sec. 12. Section 47a-54f of the general statutes is repealed and the  
318       following is substituted in lieu thereof (*Effective October 1, 2007*):

319       (a) In each tenement, lodging or boarding house the walls of any  
320       court, shaft, hall or room shall be whitewashed or painted a light color  
321       whenever, in the opinion of the board of health or enforcing agency,  
322       such whitewashing or painting is needed for the better lighting of any  
323       room, hall or water closet compartment.

324       (b) Paint on the [accessible] exposed surfaces of a tenement house  
325       shall not be cracked, chipped, blistered, flaking, loose, or peeling so as  
326       to constitute a health hazard. Testing, remediation, abatement and  
327       management of lead-based paint at a tenement house or its premises  
328       shall be as defined in, and in accordance with, the regulations, if any,  
329       adopted pursuant to section 19a-111c, as amended by this act.

330       Sec. 13. (NEW) (*Effective October 1, 2007*) On or before January 1,  
331       2009, and annually thereafter, the Department of Public Health shall  
332       report, in accordance with section 11-4a of the general statutes, to the  
333       joint standing committees of the General Assembly having cognizance  
334       of matters relating to public health and human services on the status of  
335       lead poisoning prevention efforts in the state. Such report shall  
336       include, but not be limited to, (1) the number of children screened for  
337       lead poisoning during the preceding calendar year, (2) the number of  
338       children diagnosed with elevated blood levels during the preceding  
339       calendar year, and (3) the amount of testing, remediation, abatement  
340       and management of materials containing toxic levels of lead in all

341 premises during the preceding calendar year.

342 Sec. 14. (NEW) (*Effective July 1, 2007*) (a) There is established an  
 343 account to be known as the "local lead assistance account" which shall  
 344 be a separate, nonlapsing account within the General Fund. The  
 345 account may contain any moneys required by law to be deposited into  
 346 the account. The account shall be used by the Department of Public  
 347 Health for the purpose of providing financial assistance to local health  
 348 departments for expenses incurred in complying with applicable  
 349 provisions of sections 19a-110, 19a-111a, 19a-206, 47a-52 and 47a-54f of  
 350 the general statutes, as amended by this act.

351 (b) The Department of Public Health shall establish and administer  
 352 a program of financial assistance to local health departments for  
 353 expenses incurred in complying with applicable provisions of sections  
 354 19a-110, 19a-111a, 19a-206, 47a-52 and 47a-54f of the general statutes,  
 355 as amended by this act. The Commissioner of Public Health may  
 356 adopt, in accordance with chapter 54, such regulations as the  
 357 commissioner deems necessary to carry out the purposes of this  
 358 section.

359 Sec. 15. (NEW) (*Effective October 1, 2007*) All standards adopted by  
 360 the federal Occupational Safety and Health Administration, including,  
 361 but not limited to, standards listed in 29 CFR 1910.1025 and 1926.62, as  
 362 adopted pursuant to chapter 571 of the general statutes, or 29 USC 651  
 363 et seq., as from time to time amended, as appropriate, and only as  
 364 those standards apply to employers and employees, shall apply to the  
 365 provisions of sections 19a-111c, 19a-206, 47a-52 and 47a-54f of the  
 366 general statutes, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	19a-111a
Sec. 2	<i>April 1, 2008</i>	New section
Sec. 3	<i>October 1, 2007</i>	19a-110(a)
Sec. 4	<i>April 1, 2008</i>	19a-110(d)

Sec. 5	<i>April 1, 2008</i>	New section
Sec. 6	<i>April 1, 2008</i>	38a-535(b)
Sec. 7	<i>July 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	19a-111c
Sec. 10	<i>October 1, 2007</i>	19a-206
Sec. 11	<i>October 1, 2007</i>	47a-52
Sec. 12	<i>October 1, 2007</i>	47a-54f
Sec. 13	<i>October 1, 2007</i>	New section
Sec. 14	<i>July 1, 2007</i>	New section
Sec. 15	<i>October 1, 2007</i>	New section